IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7681 OF 2006

Rasiklal Harilal Parekh and ors. ...Petitioners

vs.

Balvantrai Harilal Parekh & Ors. ...Respondents

Mr.Mahesh Subramaniam with Mr.S.V.Pitre for the Petitioners
Mr.Avinash Joshi i/b Mr.H.S.Aglawe and Mr.Shailendra Aglawe for Respondent Nos.1 to 7.

CORAM: A.S.OKA,J.
DATE : MAY 4,2007.

P.C.:

1. Heard learned Counsel for the Petitioners and the learned Counsel for the Respondents. The learned Counsel for the Respondents states that the Vakalatnama of the Respondent No.8 will be filed by the Advocate on record within a period of four weeks from today.

2. By this Petition under Article 227 of Constitution of India, the Petitioners have challenged the order dated 8th September 2006 passed by the learned Trial Judge by which the parties were directed to suggest the name of the Commissioner to be appointed for the execution of the Award made by the Arbitrators.

3. The learned Counsel for the parties state that by consent, the Arbitrators appointed by the parties be appointed as the Court Commissioners for execution of the Award so that the

same can be executed in an effective manner. A letter of consent dated 3rd May 2007 signed by the learned Arbitrators is placed on record and marked 'X' for identification. In the said letter, the learned Arbitrators have shown their willingness to act as Commissioners for the execution of the Award.

4. Hence, by consent of the parties, the Writ Petition is disposed of by passing the following order :

i) The learned 4th Joint Civil Judge (Senior Division), Pune will appoint Shri Chandrakant Harilal Parekh, Shri Yashwantrao Gunda and Shri V.C.Vora as the Court Commissioners for the execution of the Award in question.

ii) The learned Trial Judge will pass consequential order for fixing the time schedule for execution of the Award. The Trial Court will also fix the remuneration payable to the Court Commissioners.

iii) Writ Petition is disposed of in above terms with no order as to costs.

iv) Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE